



Governor
Janet Napolitano

**ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY**
9535 EAST DOUBLETREE RANCH ROAD
SCOTTSDALE, ARIZONA 85258-5572
PH (480) 657-7703 | FX (480) 657-7715
www.azdo.gov | doinfo@azdo.gov

Board Members:
David M. Steinway, D.O., Pres.
Stanley J. Grossman, V.P.
Arlene England, D.O.
Jon B. Fiegen
Mary Ann Picardo, D.O.
Scott Steingard, D.O.
F. P. Wedel, D.O.

Executive Director
Jack Confer

**DRAFT MINUTES OF THE PUBLIC BOARD MEETING
OF THE ARIZONA BOARD OF OSTEOPATHIC
EXAMINERS IN MEDICINE AND SURGERY**

Saturday, November 10, 2007

BOARD MEMBERS PRESENT: President David Steinway, D.O., Mr. Stanley Grossman, Arlene England, D.O., Mr. Jon Fiegen, Mary Ann Picardo, D.O. and F.P. Wedel, D.O.

BOARD MEMBERS ABSENT: Scott Steingard, D.O., was excused from the meeting.

STAFF / OTHERS PRESENT: Jack Confer, Executive Director
Barbara Meyers, Deputy Director
Barbara Prah, D.O., Medical Consultant
Beverly Alfson, Business/Licensing Manager
John O'Hair-Schattenberg, Investigator
Blair C. Driggs, Assistant Attorney General
Kathy Fowkes, Administrative Secretary
Carol Whipple, Certified Court Reporter

1. CALL TO ORDER

The Board President, Dr. David Steinway, called the meeting to order at 8:05 a.m.

2. ROLL CALL AND REVIEW OF AGENDA

The Executive Director took the roll. The Board Members listed above were present, establishing quorum for the meeting.

3. PRESIDENT'S REPORT AND CALL TO THE PUBLIC

- A. Welcome to the 3rd year Medical Students – Arizona College of Osteopathic Medicine at Midwestern University and Kirksville College of Osteopathic Medicine at A.T. Stills University
- B. The Board's custom is to ask members of the public to speak when the agenda item of interest to the person is called. If you want to address the Board on an issue not on the agenda, you will be asked to speak prior to the adjournment. All people wishing to speak should fill out a speaker form and give it to a staff member.

3. REVIEW, CONSIDERATION AND APPROVAL OF MINUTES

- A. Open Session Minutes September 29, 2007

MOTION: Dr. Wedel moved to ACCEPT the minutes as presented. Mr. Fiegen seconded.
VOTE: The motion passed unanimously.

- B. Executive Session Minutes September 29, 2007

MOTION: Dr. Wedel moved to ACCEPT the minutes as presented Mr. Grossman seconded.
VOTE: The motion passed unanimously.

5. **REVIEW, DISCUSSION, AND ACTION ON CASE REVIEWS OF ALLEGATIONS OF UNPROFESSIONAL CONDUCT A.R.S. § 32-1855 (C through F).**

A. **Thomas Kotoske, D.O.** Case No. 3878 License No. 3065

Complainant was present and answered all questions posed by the Board.

MOTION: Dr. Wedel moved for DISMISSAL. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

B. **William DeVito, D.O.** Case No. 3809 License No. 3779

MOTION: Dr. Wedel moved for DISMISSAL. Mr Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

C. **Elliot Maness, D.O.** Case No. 3696M License No. 3609

MOTION: Dr. England moved for a LETTER OF CONCERN for lack of treatment with a high risk patient and failure to resection the colon in what is considered a reasonable and appropriate amount. In addition, the Board ordered 20 CONTINUING MEDICAL EDUCATION hours in the area of identifying and treating high risk surgical patients. Dr. Wedel seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	4			X	X	X	X	
NO	2	X	X					
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 4-2, with Mr. Grossman and Dr. Steinway dissenting.

D. **Terrence Rousseau, D.O.** Case No. 3722 License No. 4554

MOTION: Dr. Wedel moved for comprehensive psychiatric evaluation with a psychiatrist approved by the Board's executive director in the next 90 days, with an INVESTIGATIVE HEARING to follow. Mr. Grossman seconded.

VOTE: The motion carried 6-0.

E. **Bob Dietrich, D.O.** Case No. 3702 License No. 3365

MOTION: Dr. England moved for a LETTER OF CONCERN for failure to diagnose acute cholecystitis, liver and gall bladder disease, with 20 hours CONTINUING MEDICAL EDUCATION in the area of liver-gallbladder disease. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	5	X	X	X	X	X		
NO	1						X	
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 5-1, with Dr. Wedel dissenting.

F. **Robert Casey, D.O.** Case No. 3708 License No. 1955

MOTION: Dr. Wedel moved for DISMISSAL. Dr. England seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							

ABSENT	1							X
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VOTE: The motion carried 6-0.

G. **Katherine Worden, D.O.** Case No. 3724 License No. 2553

MOTION: Dr. Wedel moved for DISMISSAL. Dr. England seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

H. **Don Barlow, D.O.** Case No. 3762 License No. 2098

MOTION: Dr. Wedel for INVESTIGATIVE HEARING, and request for legal advice regarding medical records and liability insurance. Dr. England seconded.

VOTE: The motion carried 6-0.

I. **Carolyn Barlow, D.O.** Case No. 3768 License No. 3757

MOTION: Dr. Wedel moved for DISMISSAL. Dr. Picardo seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

J. **Jeffrey Gitt, D.O.** Case No. 3786 License No. 2023

MOTION: Dr. Wedel moved for DISMISSAL. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

K. **Brian Marks, D.O.** Case No. 3789 License No. 2964

MOTION: Mr. Grossman moved for DISMISSAL. Dr. Wedel seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

L. **Raymond Bakotic, D.O.** Case No. 3792 License No. 2712

FIRST MOTION: Dr. Wedel moved for a LETTER OF CONCERN with 20 hours CONTINUING MEDICAL EDUCATION for treatment of Herpes Oster. Dr. Steinway seconded. After discussion a vote was called.

VOTE: The motion failed 6-0.

SECOND MOTION: Dr. Wedel moved for an INVESTIGATIVE HEARING. Dr. England seconded.

VOTE: The motion carried 6-0.

M. **Gerald Perkins, D.O.** Case No. 3794 License No. 1813

MOTION: Mr. Grossman moved for DISMISSAL. Dr. Picardo seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							

ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

N. **Thomas Eyler, D.O.** Case No. 3796 License No. 0836

MOTION: Dr. Picardo moved for a DISMISSAL. Mr. Fiegen seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

O. **Dreana Janssen, D.O.** Case No. 3800 License No. 2802

MOTION: Dr. Wedel moved for DISMISSAL. Dr. Picardo seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

P. **Mia Van Eken, D.O.** Case No. 3815 License No. 3984

Complainant was present and answered all questions posed by the Board. Dr. Van Eken was present and answered all questions posed by the Board.

MOTION: Dr. England moved for DISMISSAL. Mr. Fiegen seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard

YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

Q. **Kelli Ward, D.O.** Case No. 3876 License No. 3425

MOTION: Dr. Wedel moved for DISMISSAL. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

R. **Richard Emerson, D.O.** Case No. 3797 License No. 1082

MOTION: Dr. Wedel moved for DISMISSAL. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

S. **Robin MacDougall, D.O.** Case No. 3720 License No. 2830

Dr. MacDougall was present and answered all questions posed by the Board.

MOTION: Dr. Wedel moved for AN INVESTIGATIVE HEARING and a review of the medical records at the clinic. Mr. Grossman seconded.

VOTE: The motion carried 5-1, with Dr. England dissenting.

T. **D. Bullaro-Anderer, D.O.** Case No. 3754M License No. 3271

MOTION: Dr. England moved for an INVESTIGATIVE HEARING. Mr. Grossman seconded.

VOTE: The motion carried 6-0.

U. **James Skinner, D.O.**

Case No. 3869

License No. 1643

MOTION: Dr. Wedel moved for DISMISSAL. Dr. England seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	4		X	X		X	X	
NO	2	X			X			
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 4-2, Mr. Fiegen and Dr. Steinway dissenting.

V. **Erol LeBlanc, D.O.**

Case No. 3856

License No. 3452

MOTION: Dr. Wedel moved for LETTER OF CONCERN. Dr. England seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	5	X		X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1		X					X

VOTE: The motion carried 5-0, with Mr. Grossman absent.

W. **Matthew Duke, D.O.**

Case No. 3801

License No. 3481

MOTION: Dr. Wedel moved for DISMISSAL. Mr. Fiegen seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

X. **Marc Kaplan, D.O.** Case No. 3913 License No. 1872

Dr. Kaplan was present and answered all questions posed by the Board.

MOTION: Dr. Wedel moved for DISMISSAL. Dr. Picardo seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

Y. **Philip Foutch, D.O.** Case No. 3902M License No. 2305

MOTION: Dr. Wedel moved for DISMISSAL. Dr. Fiegen seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	5	X		X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	2		X					X

VOTE: The motion carried 5-0, with Mr. Grossman absent.

Z. **Daniel Hoag, D.O.** Case No. 3924 License No. 3582

Dr. Hoag was present and answered all questions posed by the Board.

MOTION: Dr. Wedel moved for DISMISSAL. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard

YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

AA. **Arlie Hedrick, D.O.** Case No. 3829 License No. 4081

Complainant E.B. was present and answered all questions posed by the Board.

MOTION: Dr. Wedel moved for DISMISSAL. Dr. Picardo seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

BB. **Brian Rizzo, D.O.** Case No. 3770 License No. 3597

MOTION: Dr. Wedel moved for DISMISSAL. Dr. Fiegen seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	5	X		X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	2		X					X

VOTE: The motion carried 5-0, with Mr. Grossman absent.

CC. **Stephen Bair, D.O.** Case No. 3813 License No. 1369

MOTION: Dr. Wedel moved for DISMISSAL. Dr. Fiegen seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	5	X		X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	2		X					X

VOTE: The motion carried 5-0, with Mr. Grossman absent.

DD. **Lori Levine, D.O.**

Case No. 3873

License No. 1724

MOTION: Dr. Wedel moved for DISMISSAL. Dr. England seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

EE. **Stephen Kessler, D.O.**

Case No. 3908

License No. 1730

MOTION: Dr. Picardo moved for DISMISSAL. Dr. Wedel seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

FF. **Timothy Bonatus, D.O.**

Case No. 3738M

License No. 2691

MOTION: Dr. England moved for DISMISSAL. Dr. Wedel seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

GG. **Judith Solomon, D.O.**

Case No. 3915M

License No. 3438

MOTION: Dr. England moved for a LETTER OF CONCERN for failure to do an adequate neural exam, initiate TPA, and the inappropriate use of Heparin in this case. Dr. Wedel seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

The Board recessed at 9:45 a.m.

The Board returned to Open Session at 9:53 a.m.

HH. **Brent Gear, D.O.**

Case No. 3883M

License No. 3314

MOTION: Mr. Grossman moved for INVESTIGATIVE HEARING. Mr. Fiegen seconded.

VOTE: The motion carried 6-0.

II. **John Q Harris, D.O.**

Case No. 3828

License No. 0823.

MOTION: Dr. Wedel moved for DISMISSAL. Dr. Picardo seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

JJ. **Hoang-Tuan Pham, D.O.** Case No. 3820 License No. 4423

Dr. Pham was present and answered all questions posed by the Board.

MOTION: Dr. Wedel moved for DISMISSAL. Dr. Picardo seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

KK. **Jeffrey Amato, D.O.** Case No. 3771 License No. 3747

MOTION: Mr. Grossman moved for an INVESTIGATIVE HEARING. Mr. Fiegen seconded.

VOTE: Motion carried 5-1, with Dr. Wedel dissenting.

LL. **William Zachow, D.O.** Case No. 3831M License No. 2324

Robert T. Bohm, Esq. was present as representative of the respondent. The Board discussed the case.

MOTION: Dr. Wedel moved for LETTER OF CONCERN for failure to adequately supervise a PA, and refer to the PA board. Dr. Picardo seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

MM. **Tedd Goldfinger, D.O.** Case No. 3848M License No. 2198

MOTION: Dr. Steinway moved for DISMISSAL. Dr. Wedel seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

NN. **Bruce Sand, D.O.** Case No. 3804 License No. 1841

MOTION: Mr. Fiegen moved for DISMISSAL. Dr. England seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

OO. **Sanford Moretsky, D.O.** Case No. 3798 License No. 1486

MOTION: Mr. Grossman moved for DISMISSAL. Dr. Picardo seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

PP. **Spencer Schuenman, D.O.** Case No. 3808 License No. 4085

MOTION: Dr. Wedel moved for DISMISSAL. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

QQ. **John Bamberl, D.O.** Case No. 3843 License No. 1021

MOTION: Dr. Wedel moved for DISMISSAL. Dr. Picardo seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

RR. **Ajaz Rahaman, D.O.** Case No. 3860 License No. 3434

This case was tabled until further information is obtained.

SS. **John Wadleigh, D.O.**

Case No. 3925

License No. 1940

MOTION: Dr. Picardo moved for a LETTER OF CONCERN with 20 hours CONTINUING MEDICAL EDUCATION in the area of affective disorders. Mr. Fiegen seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	4	X	X		X	X		
NO	2			X			X	
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 4-2 with Dr. England and Dr. Wedel dissenting.

TT. **Phyllis Popp, D.O.**

Case No. 3871

License No. 2654

Dr. Popp was present and answered all questions posed by the Board.

MOTION: Dr. Wedel moved for DISMISSAL. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

UU. **Christopher Labban, D.O.**

Case No. 3916

License No. 2831

The complainant was present and answered all questions posed by the Board.

MOTION: Dr. Steinway moved for INVESTIGATIVE HEARING. Mr. Grossman seconded.

VOTE: The motion carried 6-0.

VV. **Stephen McKay, D.O.**

Case No. 3852

License No. 3941

MOTION: Dr. Steinway moved for an INVESTIGATIVE HEARING. Mr. Grossman seconded.

VOTE: The motion carried 6-0.

WW. **Leroy Kareus, D.O.**

Case No. 3885

License No. 1093

Dr. Kareus was present and answered all questions posed by the Board.

MOTION: Mr. Grossman moved for DISMISSAL. Dr. England seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

XX. **Michael Reitz, D.O.**

Case No. 3727M

License No. 3414

MOTION: Dr. Wedel moved for DISMISSAL. Dr. England seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

YY. **Samuel Feinstein, D.O.**

Case No. 3718M

License No. 1449

Dr. Feinstein was present and answered all questions posed by the Board.

MOTION: Dr. Wedel moved for DISMISSAL. Dr. England seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

6. REVIEW, DISCUSSION, AND ACTION ON CASES MOVED TO FORMAL ADMINISTRATIVE HEARING, PURSUANT TO A.R.S. § 32-1855 (I).

A. S. Foster Easley, D.O. Case No. 3888 License No. 3212

Dr. Easley was present and sworn in. Charles Buri, Esq., was present as counsel for Dr. Easley. Blair Driggs, A.A.G. was present as an advocate for the State of Arizona and summarized the case for the Board. Mr. Buri addressed the Board, and Dr. Easley answered all questions posed by the Board.

The Board went to Executive Session at 2:25 p.m.
The Board returned to Open Session at 2:30 p.m.

FIRST MOTION: Dr. England moved to accept the Findings of Fact as written. Mr. Grossman seconded the motion.

VOTE: The motion carried 6-0.

SECOND MOTION: Dr. Picardo moved to accept the Conclusions of Law with the stated modifications and changes. Dr. England seconded.

VOTE: The motion carried 6-0.

THIRD MOTION: Dr. Steinway moved to modify the ALJ recommendation to a 5 years suspension of respondent's license, which includes all the terms recommended. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

The Board recessed at 2:55 a.m.
The Board returned to Open Session at 2:59 p.m.

7. REVIEW, DISCUSSION AND ACTION ON INVESTIGATIVE HEARINGS PURSUANT TO A.R.S. § 32-1855 (E) ONLY.

A. **Richard A. Mickle, D.O.** Case No. 3784 License No. 2767

Dr. Mickle was present and sworn in. Bruce Crawford, Esq. was present as Counsel for Dr. Mickle. The Medical Consultant summarized the case. The Board discussed the case and Dr. Mickle and his Counsel answered all questions posed by the Board.

Subpoenaed witnesses were called and sworn in. Witnesses answered all questions posed by Mr. Crawford and the Board.

The Board moved to Executive Session at 4:38 p.m.
The Board returned to Open Session at 4:49 p.m.

MOTION: Dr. Steinway moved to offer a consent agreement for a DECREE OF CENSURE and one year of PROBATION with agreed upon terms. Dr. Picardo seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	4	X	X		X	X		
NO	1			X				
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 4-1, with Dr. England dissenting, and Dr. Wedel absent.

B. **Ty Endean, D.O.** Case No. 3608 License No. 3953

Dr. Endean was present and sworn in. Ed Gaines, Esq. was present as Counsel for Dr. Endean. The Medical Consultant summarized the case. The Board discussed the case and Dr. Endean answered all questions posed by the Board.

MOTION: Mr. Grossman moved for DISMISSAL. Dr. Picardo seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 6-0.

C. **Paul Laven, D.O.**

Case No. 3698

License No. 2821

Dr. Laven was present and sworn in. The Deputy Director summarized the case. The Board discussed the case and Dr. Laven answered all questions posed by the Board. The complainant was present, sworn in, and answered all questions posed by the Board.

MOTION: Dr. Wedel moved for a LETTER OF CONCERN for A.) failure to release medical records when properly requested in writing, and B.) abandonment, i.e. failing to see an established patient on the basis of financial motivation. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE on SECTION A: Motion carried 6-0.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	3	X	X				X	
NO	2			X		X		
ABSTAIN	0							
ABSENT	2				X			X

VOTE on SECTION B: The motion carried 3-2, with Dr. England and Dr. Picardo dissenting. Mr. Fiegen was absent.

D. **Charles Knouse, D.O.**

Case No. 3821

License No. 4079

Dr. Knouse was not present.

MOTION: Dr. England moved for a FORMAL ADMINISTRATIVE HEARING. Mr. Grossman seconded.

VOTE: The motion carried 5-0, with Dr. Wedel and Dr. Steingard absent.

E. **Neal Galen, D.O.**

Case No. 3680M

License No. 1760

Dr. Galen was present and sworn in. Winn L. Sammons, Esq. was present as Counsel for Dr. Galen. The Medical Consultant summarized the case. The Board discussed the case and Dr. Galen answered all questions posed by the Board.

MOTION: Dr. Steinway moved for a LETTER OF CONCERN due to surgical decision making while completing surgery, laceration of the spleen requiring splenectomy, and post-operative complications. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	4	X	X	X	X			
NO	2					X	X	
ABSTAIN	0							
ABSENT	1							X

VOTE: The motion carried 4-2, with Dr. Picardo and Dr. Wedel dissenting.

The Board recessed at 12:30 p.m.

The Board returned to Open Session at 1:00 p.m.

F. **Erol LeBlanc, D.O.** Case No. 3834 License No. 3452

Dr. LeBlanc was present and sworn in. The Executive Director summarized the case. The Board discussed the case and Dr. LeBlanc answered all questions posed by the Board.

MOTION: Dr. Picardo moved for 5 years PROBATION due to violation of a Board order. Mr. Grossman seconded.

VOTE: The motion carried 5-0. Dr Wedel was absent.

G. **David Hatfield, D.O.** Case No. 3753 License No. 2913

Dr. Hatfield was present and sworn in. The Deputy Directory summarized the case. The Board discussed the case and Dr. Hatfield answered all questions posed by the Board.

MOTION: Dr. England moved for a LETTER OF CONCERN for failure to act appropriately on a test result. Dr. Wedel seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	5		X	X	X	X	X	
NO	1	X						
ABSTAIN	0							

ABSENT	1							X
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VOTE: The motion carried 5-1, with Dr. Steinway dissenting.

H. **Joseph Janzer, D.O.**

Case No. 3788

License No. 4221

Dr. Janzer was present and sworn in. The Executive Director summarized the case. The Board discussed the case and Dr. Janzer answered all questions posed by the Board. The complainant was also present, sworn in, and answered all questions posed by the Board.

FIRST MOTION: Mr. Grossman moved for a LETTER OF CONCERN for A.) poor documentation, B.) use of a medication that put the patient at risk, with 20 hours CONTINUING MEDICAL EDUCATION in Coumadin usage and 20 hours CONTINUING MEDICAL EDUCATION in documentation for History and Physical. Dr. Wedel seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN	0							
ABSENT	1							X

VOTE on SECTION A: Motion carried 6-0.

VOTE on proposed SECTION B: Motion failed with a tie vote of 3-3, with Dr. Steinway, Dr. Picardo and Dr. England dissenting.

SECOND MOTION: Dr. Steinway moved for the Letter of Concern to contain in addition to subsection 1, already approved by vote, B.) for sub-optimal physical exam, and C.) Failure to consider a patient's medical history prior to prescribing a medication that potentially put the patient at risk, and failure to inform the patient of possible risks, with CONTINUING MEDICAL EDUCATION as previously noted. Mr. Fiegen seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	5	X	X	X	X		X	
NO	1					X		
ABSTAIN	0							
ABSENT	1							X

VOTE: Motion carried 5-1, with Dr. Picardo dissenting.

8. EXECUTIVE DIRECTOR REPORT:

- A. Surgical Assistant Sunrise Application & Legislative Request: The Board was presented with a request to oversee licensing and regulation of Surgical Assistants in Arizona. The Board discussed the pros and cons of the proposal, and expressed some interest. No action was taken at this time.
- B. Proposed Legislation From Last Year.
- C. Arizona Osteopathic Association, Ms. Amanda Weaver, CEO of the AOMA presented proposed legislation for Board input. The legislation was discussed by all parties.

9. CORRESPONDENCE WITH THE BOARD:

- A. Letter from Bernald C. Porter, Attorney at Law. The Board took no action.

ADJOURNMENT

Dated this ____ day of _____, 2007.

Jack Confer, Executive Director